Excerpt from the CITY PLANNING COMMISSION MINUTES

Minneapolis Community Planning & Economic Development (CPED) Planning Division

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MEMORANDUM

DATE: September 27, 2012

TO: Steve Poor, Planning Manager – Zoning Administrator, Community Planning &

Economic Development - Planning Division

FROM: Hilary Dvorak, Interim Planning Manager, Community Planning & Economic

Development - Planning Division, Development Services

CC: Jason Wittenberg, Interim Planning Director, Community Planning & Economic

Development Planning Division

SUBJECT: Planning Commission decisions of August 27, 2012

The following actions were taken by the Planning Commission on August 27, 2012. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued.

Commissioners present: President Motzenbecker, Cohen, Huynh, Kronzer, Mammen, Schiff and Tucker – 7

Not present: Luepke-Pier and Wielinski (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

- 6. Charlie Nestor (BZZ-5648, Ward: 1), 1515 Central Ave NE, 1515 ½ Central Ave NE, 1600 Fillmore Ave NE, and 1611 Polk St NE (Aly Pennucci).
 - **A. Rezoning:** Application by Charlie Nestor, on behalf of 1515 SIB, LLC, has submitted a rezoning petition to change the zoning classification for the properties located at 1515 Central Ave NE, 1515 ½ Central Ave NE, 1600 Fillmore Ave NE, and 1611 Polk St NE, to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District and I2 Medium Industrial District to allow for more flexibility in uses at this location.

Action: The City Planning Commission recommended that the City Council adopt the findings and <u>approve</u> the rezoning petition to add the IL Industrial Living Overlay District to the existing I1 Light Industrial District and I2 Medium Industrial District for the properties located at 1515-1515 ½ Central Ave NE, 1600 Fillmore Ave NE; 1611 Polk St NE.

Approved on consent 6-0.

11. 401 Nicollet Mall (BZZ-5703 and Vac-1607, Ward: 7), 401 Nicollet Mall and 47 4th St S (Becca Farrar).

A. Variance: Application by Faegre Baker Daniels, LLP, on behalf of GDSX, LLC, for a variance of the Nicollet Mall (NM) Overlay Standard pertaining to building placement as portions of the building are proposed to be located more than 8 feet from Nicollet Mall for the properties located at 401 Nicollet Mall and 47 4th St S.

Action: The City Planning Commission adopted the findings and <u>approved</u> the variance of the NM (Nicollet Mall) Overlay District standard pertaining to building placement as portions of the building are proposed to be located more than 8 feet from Nicollet Mall and 4th St S on the properties located at 401 Nicollet Mall and 47 4th St S.

Approved on consent 4-0; Cohen and Huynh recused.

B. Variance: Application by Faegre Baker Daniels, LLP, on behalf of GDSX, LLC, for a variance of the Nicollet Mall (NM) Overlay Standard pertaining to the street level retail requirement, where retail uses are required to occupy at least 60% of the gross floor area of the first floor and must extend along at least 60% of the first floor façade fronting on Nicollet Mall for the properties located at 401 Nicollet Mall and 47 4th St S.

Action: The City Planning Commission adopted the findings and <u>approved</u> the variance of the NM (Nicollet Mall) Overlay District standard pertaining to pertaining to the street level retail requirement, where retail uses are required to occupy at least 60% of the gross floor area of the first floor and must extend along at least 60% of the first floor façade fronting on Nicollet Mall on the properties located at 401 Nicollet Mall and 47 4th St S.

Approved on consent 4-0; Cohen and Huynh recused.

C. Site Plan Review: Application by Faegre Baker Daniels, LLP, on behalf of GDSX, LLC, for a site plan review for a 9-floor, 161-foot tall, 221,000 square foot office building located on Nicollet Mall. The property is located in the B4-2 (Downtown Business) District, DP (Downtown Parking) Overlay District and NM (Nicollet Mall) Overlay District for the properties located at 401 Nicollet Mall and 47 4th St S.

Action: The City Planning Commission adopted the findings and <u>approved</u> the application for site plan review to allow a new 9-floor, 161-foot tall, 222,879 square foot office building located on Nicollet Mall. The property is located in the B4-2 (Downtown Business) District, DP (Downtown Parking) Overlay District and NM (Nicollet Mall) Overlay District on the properties located at 401 Nicollet Mall and 47 4th St S subject to the following conditions:

- 1. All site improvements shall be completed by August 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.
- 3. The incorporation of windows, entries, recesses, projections or other architectural elements along the south elevation of the proposed building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.

4. The applicant is encouraged to provide additional short-term and/or long-term bicycle parking for employees, as well as shower facilities and clothing storage areas.

5. The applicant shall work with Planning Staff to accommodate opportunities for outdoor seating as part of the streetscape design in conjunction with the Downtown Improvement District (DID) and the Downtown Council.

Approved on consent 4-0; Cohen and Huynh recused.

D. Vacation: Application by Faegre Baker Daniels, LLP, on behalf of GDSX, LLC, for a vacation application to vacate multiple alley and sidewalk easements in the block bounded by Nicollet Mall, 4th St S, 5th St S, and Marquette Ave for the properties located at 401 Nicollet Mall and 47 4th St S.

Action: The City Planning Commission recommended that the City Council accept the findings and <u>approve</u> the vacation application of multiple public alley easements in the block bounded by Nicollet Mall, 4th St S, 5th St S, and Marquette Ave for the properties located at 401 Nicollet Mall and 47 4th St S subject to the provision of easements dedicated to Qwest over the entire described areas to be vacated.

Approved on consent 4-0; Cohen and Huynh recused.

14. The Interchange (BZZ-5502 and RLS-65, Ward: 5), 417 5th St N (528 7th St N) (<u>Becca Farrar</u>).

A. Rezoning: Application by Hennepin County for a petition to rezone the property located at 417 5th St N (528 7th St N) from the I3 (General Industrial) District to the B4N (Downtown Neighborhood) District. The DP (Downtown Parking) Overlay District will be maintained.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning petition to change the zoning classification of the property located at 417 5th St N (528 7th St N) from the I3 (General Industrial) District to the B4N (Downtown Neighborhood) District. The DP (Downtown Parking) Overlay District will be maintained.

Approved on consent 6-0.

B. Conditional Use Permit: Application by Hennepin County for a conditional use permit for a Principal Parking Facility containing approximately 300 parking spaces located at 417 5th St N (528 7th St N).

Action: The City Planning Commission adopted the findings and <u>approved</u> the application for a conditional use permit to allow a principal parking facility containing approximately 300 parking spaces on the property located at 417 5th St N (528 7th St N) subject to the following condition of approval:

 The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

Approved on consent 6-0.

C. Site Plan Review: Application by Hennepin County for a site plan review to allow for the construction of components within a new multi-modal transportation hub located at 417 5th St N (528 7th St N). The principal elements of the project include: a large outdoor multi-level publicly accessible open space area with an amphitheater, a new office building for the Hennepin Energy Recovery Center facility, an approximately 300 space principal parking facility, new core/shell spaces for future retail/restaurant uses, public restrooms, a transit police office and bike bar, all adjacent to a new elevated Light Rail Transit (LRT) line with a platform.

Action: The City Planning Commission <u>approved</u> the site plan review application to allow for the construction of components within a new multi-modal transportation hub. The principal elements of the project include: a large outdoor multi-level publicly accessible open space area with an amphitheater, a new office building for the Hennepin Energy Recovery Center facility, an approximately 300 space principal parking facility, new core/shell spaces for future retail/restaurant uses, public restrooms, a transit police office and bike bar, all adjacent to a new elevated Light Rail Transit (LRT) line with a platform on the property located at 417 5th St N (528 7th St N) subject to the following conditions of approval:

- 1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
- 2. All site improvements shall be completed by August 27, 2014, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3. Principal entrances to each of the retail spaces shall face the public street.
- 4. The entrance to the HERC office building off of the on-site surface parking lot on the west elevation of the building shall incorporate a more prominent entrance.
- 5. The retail/restaurant core and shell spaces in both the east and west buildings shall meet the 30% window requirement for two of the elevations of the building facing the public street and shall meet the 20% requirement on two of the non-street facing elevations.
- 6. The west elevation of the ground level of the HERC office building shall incorporate 15% window openings into the ground level parking garage.
- 7. Incorporation of windows, entries, recesses, projections or other architectural elements into the building walls of the proposed retail spaces and proposed HERC office building to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120 of the Zoning Code.
- 8. The exterior materials on all proposed buildings shall be compatible on all sides.
- 9. Planning Staff shall review a final landscape plan for the outdoor open space incorporated as part of the proposal.
- 10. The surface parking lot serving the HERC facility shall be landscaped and screened in compliance with Section 530.170 of the Zoning Code. A final landscape plan would need to be reviewed and approved prior to building permit issuance for the site.

Approved on consent 6-0.

D. Registered Land Survey: Application by Hennepin County for a registered land survey for the property located at 417 5th St N (528 7th St N).

Action: The City Planning Commission <u>approved</u> the preliminary and final Registered Land Survey (RLS) application for properties located at 417 5th St N (528 7th St N) subject to the following condition of approval:

 A cross-access easement shall be required in order to ensure access to the HERC office building.

Approved on consent 6-0.